

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1301

Introduced by Assembly Member Simitian

February 21, 2003

An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1301, as amended, Simitian. Alcoholic beverages and controlled substances: minors.

The Alcoholic Beverage Control Act prohibits the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, persons under the age of 21 years. A violation of these requirements is a misdemeanor.

This bill would provide that a parent who knowingly permits his or her child or one or more other persons in the company of the child, who are under the age of 21 years, to consume an alcoholic beverage or use a controlled substance at the home of the parent is guilty of a misdemeanor if the child or other underage person, after leaving the parent's home, drives a vehicle *while he or she has a blood-alcohol concentration of 0.01% or greater, or is under the influence of an alcoholic beverage or a controlled substance and is involved in a vehicular accident traffic collision.*

Because a violation of this provision would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25658.2 is added to the Business and
2 Professions Code, to read:

3 25658.2. (a) Every parent who knowingly permits his or her
4 child or one or more other persons in the company of the child, who
5 are under the age of 21 years, to consume an alcoholic beverage
6 or use a controlled substance at the home of the parent is guilty of
7 a misdemeanor if the child or other underage person, after leaving
8 the parent's home, drives a vehicle *while he or she has a*
9 *blood-alcohol concentration of 0.01 percent or greater, as*
10 *measured by a preliminary alcohol screening test or other*
11 *chemical test, or is under the influence of an alcoholic beverage or*
12 *a controlled substance and is involved in a vehicular accident.*
13 *traffic collision.*

14 (b) (1) Any person who violates subdivision (a) shall be
15 punished by imprisonment in a county jail for a minimum term of
16 six months not to exceed one year, by a fine not exceeding one
17 thousand dollars (\$1,000), or by both imprisonment and fine.

18 (2) The penalties provided in paragraph (1) shall be in addition
19 to any penalties imposed for a violation of Section 25658.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.



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